

TOWN OF CHATHAM
JANUARY 27, 2011

ZONING BOARD OF APPEALS
FINAL COPY

Members Present:

Robert Leary
Kary Jablonka
Adrian Ooms
Mitchell Khosrova
David Everett, Chairman
JP Henkel

Members Absent:

Jeff Lick

Public Present:

Kevin Weldon	Peter Newman
Susan Wendleboe	Susan R. Anderson
Theresa Walker	Eric C. Williams
Paul Veillette	Frances Veillette
Victor Borghi	Louis Gerrain
Donna Staron	Michael Polemis
Sally Veillette	David Pearce
Ginny Nightengale	Steve Anderson
Rick Karpinski	

The January 27, 2011 Zoning Board of Appeals meeting was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited.

NEW CONCORD COMMUNITY CENTER-REQUEST BY THE SOCIETY OF NEW CONCORD FOR A SPECIAL USE PERMIT AND PARKING VARIANCE WHICH WILL ALLOW THE PREVIOUS DUTCH REFORMED CHURCH ON CR 9 IN NEW CONCORD TO BE USED AS A COMMUNITY CENTER

Steve Anderson, Rick Karpinski and Paul Veillette are representing the Society. Chairman Everett reported that the Board has received several letters and e-mails from community members supporting this endeavor. The County Planning Board responded that they commend the efforts of this group, but realize that parking can not be accommodated on-site and suggested that the applicant show how this need will be met. The Town Planning Board stated that the limited parking was discussed at the site plan review, and language will be included on the site plan as to how this will be mitigated. They are in favor of this project. The applicant stated that the Planning Board objected to the parking spots placed on the site plan by their surveyor. They requested a note on the site plan map that was approved by the Town attorney describing the plan they would use. Hence, note #6 has been placed on the map. Chairman Everett felt that there

wasn't enough information in the note, and asked for an explanation of their plan.

Dr. Karpinski stated that this would be a three-tiered approach. For small events, the 5 spots on site and those adjacent to the site off the road would be sufficient, as they have been in the past. For the need for overflow parking for a medium sized event, legal parking would be determined and used (such as spaces in front of the old inn). For a very large event, off-site parking, using private properties, Gravel Bank Rd., uncultivated land and safe transport to the venue would be arranged.

Mitchell Khosrova expressed the need for some kind of document indicating that this parking plan is legal so it can be made part of the Special Use Permit. The concern is not having a large number of vehicles on the street. The plan has to be enforceable. Bob Leary added that we have to be sure that the Town is not liable should something happen because of the parking. The applicant stated that for their own functions there is a typical attendance of no more than 40, and many of those walk. At the most, there would be 10 cars, and that has never been a problem. Chairman Everett stated that we had to look at the maximum occupancy to determine how many spots are needed. Based on an occupancy of 85, about 28 spots would be needed, and these would have to be shown on some kind of document. The Public Hearing was opened at 7:25PM.

Virginia Nightengale, the president of the Red Rock Historical Society, stated that there is no other place to meet, and being able to use this is needed and it benefits both the Society and the Historical group. They have many functions together. Because so many community members are weekenders, this joint effort builds this community.

Susan Wendleboe stated that this community center has been in existence at least since the '80s when they moved in, and there have been functions and the need for parking since then, and there has not been an issue with it.

Michael Polemis said that he owns the house next to the church and wonders what the issues are. As far as parking, the driveways in town require people to back out on Rt. 9. This has been a church for over 100 years and the overflow issue has been in existence since then. Mitchell Khosrova stated that the Zoning Board is simply following the laws, and that the Board needs to be consistent in the decisions it makes. The Board

does try to come up with creative ways that are within the law, which is why it is important to listen to all suggestions. Mr. Polemis reiterated that this was a church, and that the Board is trying to push the group into doing something that never was done before. Providing a formal document may be a real problem. Once you try to make something legally binding, it does not happen. Mr. Khosrova stated that this area is zoned 5-acre residential, and the Board is trying to balance the need with the law. Public safety is very important. What if in the future there was a problem with people providing parking no longer wishing to do so? Then there truly is a problem. Mr. Polemis wondered if the Society provided a definition of possible future uses whether that would be helpful. Mr. Everett said that at the last meeting there was discussion about limiting uses, but why should there be restrictions if we can figure out a way to do this and allow maximum flexibility to the Society.

David Pearce wondered what the regulations are on parking on the main road. Chairman Everett stated that this would have to be researched.

Fran Veillette stated that what is being requested is not really a change of use for the community hall. This is not part of the church, and it never has been. The change of use being requested is for the church itself, and that use will be very limited. Paul Veillette added that the community hall is a community resource, not a church resource, and it is a good use for the community. Should this be turned down, there is a chance the next request for use may not be as desirable. According to the Society's by-laws, 4 events must be held a year, but most of them are not even held in the building itself. Mr. Karpinski stated that if a formalized parking plan is needed, they would work on this.

Victor Borghi reiterated that this has always been a community hall. It was brought from Albany board by board 70 years ago. Although it was used by the church, it also was used by many other community organizations. The purchase is for the church only---not the community hall as that has always belonged to the community. The church closed the hall because it was on their property.

Mitchell Khosrova wondered if the use of the community hall had indeed changed. The Society reiterated that it had not. When questioned about the last events held, there were events held in the fall of 2010. Mr. Khosrova questioned whether it had been used the previous year, to which the Society responded that it had. The Society was asked to provide a list of

dates that this facility has been used since the church's closure. Kary Jablonka remarked that if the facts are as they seem, this could be considered a pre-existing non-conforming use.

Peter Newman stated that this community sticks together. They've raised a lot of money to be able to buy this property, everyone wants it and they will do whatever needs to be done to make it possible. All of the supplies (tables, chairs, refrigerator, etc.) are in the community hall and have been all along, and these have been used continuously.

Mr. Everett stated that this looks like a continuation of a non-conforming use. This property had a dual use, and one has not ceased, and documentation is going to be provided that proves that the community hall has not been abandoned for over a year. If this is the case, Mr. Everett suggested that the Society return to the Code Enforcement Officer and explain this. Once a decision has been rendered by Mr. Simonsmeier, we will continue the Public Hearing.

The Public Hearing was adjourned at 8:12PM.

Kary Jablonka moved and Bob Leary seconded that the minutes from the previous meeting be accepted. This carried. The meeting was adjourned at 8:13PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

TOWN OF CHATHAM
MARCH 24, 2011

ZONING BOARD OF APPEALS
FINAL COPY

Members Present:

David Everett, Chairman
Mitchell Khosrova
JP Henkel
Bob Leary
Adrian Ooms
Kary Jablonka

Members Absent:

Jeff Lick

Public Present:

Chris Simonsen
Robert Worsted
Cynthia K Elliot
Fran Heany
Sarah Gilstrap
Robert Raziano
Joseph Robidoux
Dennis Bender
Dusty Werth

Chairman David Everett called the meeting to order at 7:00PM. Mitchell Khosrova moved and David Everett seconded that the minutes from the previous meeting be adopted. This carried. Chairman Everett introduced Dennis Bender who will be making presentation for NYSEG'S Columbia County Transmission Project. Mr. Bender introduced other members of the team- all from the firm of Burns & McDonnell: Ryan Cross, Project Manager, who was not present, Dusty Werth and Sarah Gilstrap.

Mr. Bender explained that the need for this is due to the loss of lines between Churchville and Craryville, which has created a reliability issue. The next closest line is in Stephentown. Mr. Everett asked if this new line will be an additional line, to which Mr. Bender responded that it is. The purpose will be to enhance reliability with a redundant feed to the Klinekill substation in the Town of Chatham. Chairman Everett asked if there would be an increase in capacity. There will be and the actual numbers can be provided. Kary Jablonka noted that the only portion being considered for Chatham is from the Ghent town border to the substation on 203. Mr. Bender pointed out different lines on the maps indicating proposed routes. This is the beginning of the process of seeking the best way to co-ordinate between Chatham, Ghent and Stockport. A new substation is proposed for the town of Ghent. There will be a new overhead line. Questions were posed regarding the need for approval by the army corps of engineers. Mr. Bender stated that they are trying to avoid all wetlands and avoid mitigation. Nationwide 12 is low impact on the environment.

Mr. Everett asked what mileage is being looked at for the Town. Mr. Bender responded that it is on the cusp of 10 miles-various route lengths are being considered. Any identified resources would be provided as part of the SEQRA filing. Mr. Everett pointed out that if the line is over 10 miles, according to Article 7, the town has no jurisdiction and is handled by the PSC (Public Service Commission). If the line is below 10 miles, according to

Article 102 the town has jurisdiction and local approvals are necessary. Mr. Bender stated that one town must claim lead agency status, but any party (town) can reject it. The PSC can act as lead agency under 10 miles, but will act in that capacity if it is over 10 miles. Currently there are two possible locations for the substation. The first is in the Town of Ghent along 9H on the South side, while the other is along the Stockport Rd. Mr. Everett wondered why it will be so far away. Mr. Bender stated that NYSEG has no franchise in Stockport. There would be an access road, a gravel pad and a 30x50 control house. Minor modifications would be made to the existing Klinekill station, but there would be no expansion of the current footprint.

A discussion ensued regarding potential routes to the Klinekill station. Some rights of ways will be needed—they will require about 150 additional feet through an easement process. There was a question posed as to how this area gets power currently. There are 34-50 existing lines, which would need to be expanded. Mr. Everett stated that keeping the existing the right-of-way would be most desirable. Mr. Bender said that other towns might object to this and they would have the right to say no. Primarily wood poles would be used, 65' tall, similar to existing distribution poles. For larger spans a steel pole would be utilized. For reference, wood poles along the roadway are about 35 feet. The desire is to keep a low profile. The town of Ghent is forming a committee to explore this proposal. Mr. Everett felt that the likely lead agency would be the Town of Ghent. Mr. Leary wanted to know when they would know the exact area involved. Mr. Bender said that they would be meeting with the towns to coordinate the best route. The target date is June 1. Adrian Ooms asked about the feasibility of burying the lines. Mr. Bender said this is cost prohibitive. Currently the only buried lines are under highways. Mr. Khosrova stated that he would like to see a cost comparison over the life of the lines, assuming there would be less maintenance due to downed lines. He specifically would like NYSEG to provide the cost differential of overhead lines vs. underground lines over a 50-year period provided to the Board. This request is based on Mr. Bender's comments that the poles last 40 years.

Mr. Wirth said that they are hoping to set up a meeting with Ghent within the next week or so.

PUBLIC COMMENT:

Chris Simonsen wondered if the PSC is mandating this project. Mr. Bender replied that the PSC has identified this as a funded line item, which means it is significant. There was a question as to why we can't be fed through

Stephentown. A line would need to be built between Stephentown and the Klinekill requiring several local permits: zoning, site plan and building permits for the substation. Tim Schools asked what the minimum distance from a residence would be. This is unknown. Mr. Schools asked if the value of the properties affected are taken into consideration. Mr. Wirth said that land values are not placed in site studies. Mr. Schools said that he is concerned about the affected value of the view shed on the town of Stockport. Cindy Elliot expressed appreciation for being permitted to speak at a non-Public Hearing meeting. She wondered why the Churchville line was placed underground when it was repaired. Mr. Bender will find out that answer and send it to the clerk. Ms. Elliot shares her concern regarding assessment impacts. She wondered if funding is tied to the stimulus and timeframe constrained. Mr. Bender said it is not tied to the stimulus and does not know if it is time constrained. In response to a final question as to whether some lines could be overhead and others underground, Mr. Bender said that this was not typical.

Mitch Khosrova moved to adjourn the meeting. This was seconded by Dave Everett. The meeting ended at 8:10PM.

David Everett, Chairman

Respectfully submitted,

JP Henkel
Marilyn Cohen

**TOWN OF CHATHAM
MAY 26, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary
Kary Jablonka
Adrian Ooms
Mitchell Khosrova
David Everett, Chairman
JP Henkel
Walt Simonsmeier, ZEO

Public Present:

Bill Wallace, Rick Newton,
Paul Merwin

The May 26, 2011 Zoning Board of Appeals meeting was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited.

Kary Jablonka moved and Adrian Ooms seconded that the minutes from the previous meeting be accepted. This carried unanimously.

EAST CHATHAM FIRE COMPANY

David Everett reminded the representatives that they are exempt from Town zoning rules and regulations, however they affirmed that they wish to go through the process as they have in the past. They then submitted a new site plan and survey to the Committee. The plans submitted are for a 32' x 50' foot addition to the side of the existing firehouse. It will create two new bays for equipment, and have a second story. On questioning they explained the second story will be empty and is not planned to be used or occupied. The proposed addition will sit where a current parking area is located, and will not meet required setbacks to the side or front. The front of the building, however, will be consistent with the existing structure. And the side will encroach on an adjacent lot also owned by the firehouse. It was their original intent to seek a lot adjustment and combine the two lots, but they have since decided to seek a variance instead.

It was noted that the combined building will meet coverage restrictions, as will proposed new signage. David explained that this will also need to be referred to the County Planning Board as it is non-residential. A public hearing was set for the June meeting.

MR. HSINCHIN GIN

Paul Merwin was representing Alex Gin. A pond that was constructed on Mr Gin's property to help manage a long time flooding property does not meet the required setbacks. The required setback on the front is 75 feet, and the actual setback is approximately 45 feet, requiring a 30 foot variance. The side setback requirement is 50 feet, but the pond only provides 26 feet and they require a 24 foot variance. David Everett requested them to obtain a letter of consent from the side neighbor,

Roth/Kaufman, and also to have the survey updated to provide more accurate measurements on the setbacks. A public hearing was set for the June meeting.

The meeting was adjourned at 7:25 PM.

David Everett, Chairman

Respectfully submitted,

Jeffrey Lick

**TOWN OF CHATHAM
JUNE 23, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary
Kary Jablonka
Adrian Ooms (7:08PM)
Mitchell Khosrova, Dep. Chairman
Dave Everett, Chairman (7:52PM)
Jeff Lick

Members Absent:

JP Henkel

Public Present:

Paul Merwin
Jason Shaw
William Wallace
Rick Newton

The June 23, 2011, Zoning Board of Appeals meeting was called to order at 7:00PM by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. Kary Jablonka moved and Bob Leary seconded that the minutes of the previous meeting be accepted. This carried.

**HARVEY AND GABRIELLA SPERRY- REQUEST FOR AN
INTERPRETATION**

Chairman Dave Everett recused himself from this project, as Atty. Jason Shaw is representing the applicant, and he works with Chairman Everett. Mr. Shaw indicated that depending on how the interpretation of the Code goes, a Special Use permit will be forthcoming. Mr. Sperry has three large agricultural buildings located on +78 acres on Jefferson Hill Rd. He would like to use these buildings for heated winter storage of RV's, which will be enclosed in these buildings. This is an RL-2 zone, and with a special use permit a travel trailer camp is allowed. This would be far less intrusive, problematic and noisy with fewer traffic problems. A Planned Business Development is also permitted with a special use permit. Since the comprehensive plan has indicated that the town's desire is to protect agriculture areas and this kind of facility would do this, it would be a low impact use that is harmonious with an RL-2 zone.

Deputy Chairman Khosrova stated that putting one business in doesn't really fall into the category of a planned business development. Atty. Shaw said that he hoped the interpretation would be broad enough to include this, since there are no planned business developments in Chatham. Mr. Khosrova spoke about setting a precedent if this is allowed. He also wondered as to whether a storage facility was the same as a camp. He feels that what would happen is the conversion of residential land into a business use. Mr. Shaw said that there is no precedent with a planned business development in the town, and this would fit it very well. Most of the parcel is an agricultural use and it

would continue as such. The only difference is the desire to use the storage buildings for these travel trailers. Adrian Ooms added that he believed that the Sheepherder's was considered a Planned Business Development. The question was posed as to how many units would be included in these three units. There would be eight in each on for a total of twenty-four. There was continued discussion from the Board regarding precedent setting. Atty. Shaw suggested that the interpretation could be written with specifics to this case that would prevent this from happening. Kary Jablonka moved that this be set for a Public Hearing for the next meeting. This was seconded by Mitchell Khosrova and carried. The Public Hearing will speak to the two possible uses---that of a travel trailer camp and that of a Planned Business Development. Atty. Shaw was provided with the information needed to contact the adjoining property holders within 500'.

Chairman David Everett entered the meeting and took over the gavel.

EAST CHATHAM FIRE DEPARTMENT- VARIANCE REQUEST

Bill Wallace and Rick Newton are representing the Fire Company. Postal receipts were turned in. The County Planning Board had sent a letter stating that there was no need for them to consider this, as it does not fall under their jurisdiction. The applicants indicated that the present sign, which is 50 square feet, will remain and another one of the same size will be added, which complies with current regulations.

The Public Hearing was opened at 7:56PM. There were no comments. The Public Hearing was closed at 7:56PM. The Short Form SEQRA application, which shows no significant adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, Mitchell Khosrova moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Kary Jablonka and carried. Mitchell Khosrova moved that a 10' variance on the front property line be approved and a 2' variance on the side property line be allowed. Kary Jablonka seconded this and it carried unanimously.

HSINCHIN(ALEX) GINN- VARIANCE REQUEST

Paul Merwin is representing the applicant. He provided an updated survey to the Board, as well as the required postal receipts. The Public Hearing was opened at 8:00PM. There were no public present, so the Public Hearing was closed at 8:00PM. Chairman Everett stated that this project was exempt from SEQRA. Mitchell Khosrova moved that up to a 34.6' variance in the front be approved and up to a 26.5' variance on the side be allowed. This carried unanimously. The approval fee was paid.

Other Board business was discussed.

The meeting was adjourned at 8:35PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

TOWN OF CHATHAM
JULY 28, 2011

ZONING BOARD OF APPEALS
FINAL COPY

Members Present

Robert Leary
Mitchell Khosrova, Dep. Chairman
Adrian Ooms
Kary Jablonka
Dave Everett, Chairman(7:50)
Jeff Lick
JP Henkel
Tal Rappleyea, Atty.
Walt Simonsmeier, ZEO

Members Absent:

None

Public Present:

Stephen Hermance
Bill Mulrein
Nancy Schultz
Jack Schultz
Debbie Wolfe
Jordan Wolfe
Jason Shaw

The meeting was called to order at 7:00PM by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. Kary Jablonka moved and Jeff Lick seconded that the minutes from the June meeting be adopted. This carried.

**HARVEY AND GABRIELLA SPERRY- REQUEST FOR AN INTERPRETATION
AS TO WHETHER AN ENCLOSED MOTOR HOME FACILITY FALLS UNDER
EITHER A TRAVEL TRAILER CAMP OR PLANNED BUSINESS
DEVELOPMENT WITH A SPECIAL USE PERMIT PUBLIC HEARING**

Deputy Chairman Mitchell Khosrova stated that the protocol for this project will include a statement by the applicant, the opening of the Public Hearing, the closing or tabling of same, discussion by the Board and subsequently a vote. Members of the public speaking were requested to provide both their name and their address.

Jason Shaw is representing the applicant. There is no question that a recreational vehicle park constitutes a travel trailer park, albeit with a special use permit. The storage component of this is natural and increasingly more popular. Mr. Shaw reviewed the applicant's request which consists of two interpretations of two provisions of the Zoning Code: (1) travel trailer camp and (2) Planned Business Development. Both of these require a Special Use permit. Atty. Shaw reiterated that he is not requesting the granting of a Special Permit at this

time but only the interpretation of the definitions and the Planning Board and/or Town Board would eventually have to grant separate approvals if the ZBZ made a favorable determination at this time. That would come based on the findings of these interpretations.

In regards to the travel trailer park, all will be inside the existing buildings with no alterations to these buildings. The travel trailers would be driven in, stay for a period of time, and then leave. This could be part of the travel trailer camp allowable by the Code. As far as the Planned Business Development, this allows for the creation of a floating zone within the Town. Atty. Shaw believes this project meets the criteria in that it is 78 acres and will remain primarily agricultural. The only difference is that these preexisting buildings would be used for storage of motor homes. Mr. Shaw stated that in researching Planned Business Developments in the Town, the Sheepherder's was approved under this provision and he felt that was not really more than one business.

Mr. Khosrova checked that the ZEO had denied this permit, which he had done. He also spoke to the controversy last month regarding whether a Public Hearing on the matter was needed. This is legally required according to the NYS Town Law §267 Code. He also referred to the definition of the Planned Business Development in the Town's Zoning Law as the clustering of businesses and "expansion." Mr. Khosrova asked the ZEO, Walt Simonsmeier to explain why he had originally denied this request.

Mr. Simonsmeier stated that he didn't feel that this fell under a travel trailer camp, more because of lack of definition than anything else. He stated that personally he felt this was a good use of this land and the buildings, and that the comprehensive plan speaks to using existing buildings for commercial purposes. However, he felt that this was a "gray" area, thus he needed to turn it over to the ZBA. Mr. Simonsmeier also stated that this property is in an RL-1, zone. The map showing this road was confused with a nearby road. That being the case, a Planned Business Development is not permitted, even with a Special Use Permit, in an RL-1 zone. Mr. Khosrova interjected

that the applicant could either withdraw the interpretation of the Planned Business Development or the Board could act on this. Mr. Shaw indicated that he would not be withdrawing this.

The Public Hearing was opened at 7:22PM. There were no comments. Mr. Khosrova said that he had received an e-mail from a neighbor, and the clerk noted that she spoke to the neighbor on the phone. The concern was the integrity of Jefferson Hill Rd. should many travel trailers be using it. It was explained to her that this would be an issue should there be a request for a Special Use permit. The Public Hearing was closed at 7:23PM.

Atty. Shaw requested to view the zoning map. Once this was completed, he said that the road in question was clear on the map, but that he could see how an error could have been made, and that, he relied on the expertise of the ZEO to guide him in this matter. Jeff Lick pointed out that in the comprehensive plan it is the recommendation to remove the Planned Business Development from Zoning. Looking at the proposed map changes in that area to permit some commercial use, this property doesn't fall into the correct zone. Mr. Khosrova added that he didn't feel this is a clustered business.

Robert Leary moved that the interpretation be denied because a Planned Business Development is not a permitted use in an RL-1 district. Kary Jablonka seconded the motion and it carried unanimously.

In regard to the interpretation of this project falling under the auspices of a travel trailer camp, Jeff Lick stated that he is highly sympathetic to the idea of "recycling" farm buildings. The Town wishes to support farmers in any way possible. However, feels that the Use in the Code refers to a camp, and that travel trailer are adjectives, and what the applicant is requesting is a storage facility rather than a camp. Kary Jablonka feels that this would be a great use, and that the comprehensive plan might agree, but those laws have not been put in place as of yet. If this were to be done as part of a camp, the storage might be OK, but what is being requested is strictly storage. Mr. Khosrova reminded everyone that the other special

permit uses for this zone are recreational (camp and water use) and storage was a business which is not permitted in this zone. Additionally, the water recreational permitted use specifically states that storage is allowed and the trailing camps do not.

Robert Leary agrees that the code is stating camp as the operative word, so that is what must be considered. JP Henkel said that yes, the storage part of a campground is a part of a campground, but so are the shower houses, or any other individual part of a campground. Atty. Rappleyea wondered if we can get this approved by interpreting a travel trailer camp as including travel trailer storage to simply allow the latter uses as a wider interpretation. Mr. Khosrova stated that although this is a low impact use, perhaps there are other low impact uses that could occur on this land. He fears that allowing what Atty. Rappleyea is suggesting could lead to a precedent we don't want to set. Atty. Shaw stated that he feels that if this is denied, it will be a wrong decision. This Board is being too restrictive, and if the Shepherder's request came before this Board it would have been denied. Doors should be opened in this Town to encourage ventures such as this, otherwise all the Town has is a static archaic zoning law. Things have changed. In the 1970's there were dozens of farms; now there are not. This proposed use is consistent with the Town's desires. Mitchell Khosrova stated that the ZBA is not authorized or empowered to create law and although sympathetic to the argument, only the Town Board can make laws.

Robert Leary moved that the interpretation be denied, since this will not be a camp, but rather a storage facility for travel trailers. Jeff Lick seconded the motion and it carried unanimously.

Mitchell Khosrova left the meeting at 7:50PM. David Everett, who was recused for the former project, entered the meeting and took over the gavel at 7:50PM.

**FAIRPOINT COMMUNICATIONS— REQUEST FOR A PUBLIC UTILITY
SPECIAL USE PERMIT FOR A COMMUNICATIONS CABINET TO BE PLACED
AT 4066 ROUTE 203 IN NORTH CHATHAM INFORMATIONAL**

Stephen Hermance and Bill Mulrein are representing Fairpoint Communications. Because of complications regarding the existing cabinet on Route 203 in North Chatham, Fairpoint Communications has been trying to find a location for the needed cabinetry. Tom Light has agreed to permit the cabinet on the southern end of his property. The equipment will include a 64" switch and cross connect box, a back up generator and an underground tank. The pad will be 12'x25'. This will be almost exactly the same as the approved equipment located on the Main Care property. There was a question posed regarding the noise this might make. It is a very quiet unit. Dave Everett wondered about the landscaping. The applicant has not decided what he would like regarding this. Chairman Everett requested that the information be sent to both the Town Planning Board and the County Planning Board for comments. He also wants to see a Visual EAF with pictures, which would include the equipment, and a Site Plan for the screening plan. A letter from the owner, or an easement from him, is also needed. Mr. Hermance expressed concern that in the past plants have been stolen from other sites. The Public Hearing will be scheduled for the next meeting, and Mr. Everett requested that the information asked for be submitted in time for the Board to review it. He also wondered how much fill will be needed. Typically, stone and dirt is mixed and it's a few feet deep. Any runoff will go to the creek. The area is staked now, and members are welcome to come and look at it.

DEBBIE WOLFE- REQUEST FOR A SPECIAL USE PERMIT THAT WILL ALLOW HER TO OPERATE A GROUP/FAMILY HOME DAY CARE FACILITY ON ALBANY TPK. IN OLD CHATHAM INFORMATIONAL

The house in question is currently a three-family home that will be converted back to one family with the intention of operating a group/family home day care facility in the remaining space. Because of the number of potential clients (16 children maximum), the ZEO felt that a Special Use permit was needed. Ms. Wolfe stated that at any given time the number of children may vary, but because of state regulations, that number will never exceed 16. Ms. Wolfe stated that she is in the process of obtaining state approval for this facility. The intention is to operate it from 7:30AM-5:30PM Monday-Friday.

She will have one assistant. The Board had some discussion as to the merits of a special use permit vs. a home occupation, and because of the potential impact to the community, the Board was in agreement that getting a Special Use permit is advisable. Some of the questions that will be answered by seeing a good site plan will include the ingress and egress as well as traffic flow, where there will be fencing and outdoor structures, and sign location. Photos of the site were requested that will show where parking will be, what the driveway looks like, and which part of the house will be used for the facility. The Board also wondered if there would be a crosswalk someplace in the driveway to let children out that provide safe access to the entrance to the building. It was also suggested that the applicant contact the Highway Department for a "Children at Play" sign on the roadway. The chairman requested that the Town Planning Board and the County Planning Board be contacted to provide their input. The site plan approval for this project will be coming from the Planning Board. There was a question regarding the septic system and whether it could accommodate this facility. Property owner Jack Schultz stated that there is a 1000 gallon holding tank with crushed stone. Mr. Everett asked for a letter stating that the septic system is sufficient for this use. The Public Hearing has been scheduled for the next meeting.

The meeting was adjourned at 8:27PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

TOWN OF CHATHAM
AUGUST 25, 2011

ZONING BOARD OF APPEALS
FINAL COPY

Members Present:

Robert Leary
Mitchell Khosrova
Adrian Ooms
David Everett, Chairman
Jeff Lick
JP Henkel

Members Absent:

Kary Jablonka

Public Present:

Jack Schultz	Nancy Schultz
Debra Wolfe	John C. Arnold
Laurel Kerman	Cynthia Tochman
Elliot Schneider	Thomas Light
Bill Mulrein	Stephen Hermance

The August 25, 2011 meeting of the Zoning Board of Appeals was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Jeff Lick seconded that the minutes from the previous meeting be adopted. This carried.

FAIRPOINT COMMUNICATIONS– REQUEST FOR A PUBLIC UTILITY SPECIAL
USE PERMIT FOR THE PLACEMENT OF A COMMUNICATIONS CABINET TO
BE PLACED AT 4066 ROUTE 203 IN NORTH CHATHAM PUBLIC HEARING

Steve Hermance and Bill Mulrein are representing Fairpoint Communications. Postal receipts were submitted. Pictures that the Board asked for were distributed and reviewed. Chairman Everett reported that the Columbia County Planning Board stated that no county-wide impact would be felt by this and acceptance, by a simple majority is suggested. The Town Planning Board felt that better service in this area is a need, and it should be accepted. The Visual EAF that was requested was submitted. The Lights, on whose land this cabinet will be placed, are in the process of securing an easement. The site plan, showing the proposed landscaping, was also submitted. Mr. Light indicated that Douglas firs and flowering spirea will be planted, as shown on the site plan. The Board noted that evergreens are being used, and these are to be maintained and placed to hide the box. Chairman Everett reviewed the criteria for the Special Use permit. The Public Hearing was opened at 7:13PM.

John Arnold asked for the exact location of this box. It is behind the guard rail on Rt. 203 by the tree line. He wanted to know if there could be anything else other than this cabinet placed here. This is a one-time approval. For anything additional, the applicant would have to come before this Board

again. Elliot Schneider wanted more specifics as to what the function of this would be. It was explained that it will improve communications services to this area. Cynthia Tochman asked to be shown the exact location. The Public Hearing was closed at 7:15PM. The Board stated that if a variance is needed to meet setbacks to keep this box where it is shown in the picture, which is next to the tree-line, this should be granted, too. The Short Form SEQRA application, which shows no significant adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, JP Henkel moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Jeff Lick and carried. Jeff Lick moved that a Public Utility Special Use permit be granted with up to a 25' variance so that the plan, as sited against the tree line, can be carried out. (attached) Screening must be maintained throughout the duration of the project. Bob Leary seconded the motion and it carried unanimously. The approval fee will need to be submitted before any building permits are issued.

DEBBIE WOLFE- REQUEST FOR A SPECIAL USE PERMIT THAT WILL ALLOW HER TO OPERATE A GROUP/FAMILY HOME DAY CARE FACILITY ON ALBANY TPK. IN OLD CHATHAM PUBLIC HEARING

Chairman Everett noted that the County Planning Board has stated that there would be no county-wide impact with this project and could be approved by the ZBA by a majority vote. The Town Planning Board recognized that most issues are under the jurisdiction of the State. They are in favor of the project and urges acceptance of the request. The applicant has provided all of the information requested. Chairman Everett suggested that 3' evergreen trees be planted by the road at the edge of the driveway to shield the parking area. He also expressed some concern as to whether there is sufficient parking and access for emergency vehicles. There is additional space on the property so more parking could be created if needed. Mr. Everett also requested that the applicant contact the Highway Dept. so that a Children at Play sign could be placed on the highway in both directions. Ms. Wolfe stated that there already is such a sign in one direction, but that she would

be amenable to requesting one in the other direction. The Public Hearing was opened at 7:37PM.

Jack Schultz, the owner of the property feels that screening will take away from the ability of the Highway Dept. for snow removal. Further, it is below grade, so the area won't be protecting anything. It is currently across the street from a business that has 10 parking spaces that are not screened. There is currently plenty of parking. This will impact only the NYS Thruway, the Electric Company and the business across the street. Everything else is hidden. The Public Hearing was closed at 7:38PM. The Short Form SEQRA application, which shows no significant adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, JP Henkel moved that there is no significant adverse environmental impact with this project, and should be accepted. Jeff Lick seconded the motion and it carried unanimously. JP Henkel moved that the requested Special Use permit be approved with the proposed sign, the extra 2 parking spaces to be considered if needed and the screening as placed on the attached site plan. This carried unanimously. Mitchell Khosrova added that placing screening is not for just those adjoining the property, but for everyone who may be walking or driving by. There was some discussion on the snow removal concern, hence the way the evergreens are depicted on the plan. The approval fee was paid.

The Board reviewed several of the projects that have been approved with conditions in the past. The ZEO will be asked to check on the following projects to be sure they are in compliance and report to the ZBA at its next meeting:

2009– Chatham IV Development (Route 203) – were the current steps removed?

2008– Verizon Wireless (Harmon Heights) – the shelter color is to match the existing shelter, the antennae are to be painted green to match

the canopy, and everything needs to be in compliance with the original permit.

Berkshire Telephone (Rt. 203 near Sutherland Rd.)– Are the boxes screened with 10–15 junipers with possibly some lattice work?

2007– Fairpoint Communications (Rt. 32 Malden Bridge Corsi property) – was the landscaping plan completed?

2006– Jarred and Mary Gilbert (Old Chatham) – Does the overhang of the new addition match that of the existing structure?

The clerk was asked to continue researching the projects from 2005 back to the start of her tenure for restrictions placed on approved projects.

The meeting was adjourned at 8:07PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

**TOWN OF CHATHAM
SEPTEMBER 22, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary, Acting Chairman
Kary Jablonka
Adrian Ooms
Jeff Lick
JP Henkel

Members Absent:

Mitchell Khosrova
David Everett

Public Present:

Lisa Connell
Ava Walters

The September 22, 2011 Zoning Board of Appeals meeting was called to order by Acting Chairman Robert Leary at 7:00PM. The Pledge of Allegiance was recited. JP Henkel moved, and Jeff Lick seconded that the minutes from the previous meeting be adopted. This carried with an abstention from Kary Jablonka.

**NICHOLAS WALTERS- REQUEST FOR A USE VARIANCE TO USE THE
FORMER FIRE HOUSE ON ROUTE 66 IN CHATHAM CENTER AS AN
ARTIST STUDIO INFORMATIONAL**

Ava Walters represented her husband at this meeting. A letter from the Fire Company had been previously submitted allowing this request for a variance to come from Mr. Walters. The intention is to utilize the space as a studio for Nicholas Walters, who works in sculpting, painting, copper and furniture building. No one will be living here; it will strictly be used as a studio. The existing doors will be kept, however the side windows may be replaced, and some sheet rocking inside is planned. There was some discussion of the septic capabilities. Kary Jablonka commented on the low impact this would have in this H-1 district. JP Henkel wondered about any possible changes to the exterior. Mrs. Walters stated that they may possibly use some fencing, and grass planting. They don't think they want to keep the parking lot. There will be no signs. This facility would be used a few times a week only. The Board agreed to set this for a Public Hearing at the October 27th meeting. Mrs. Walters was given the necessary information needed to contact the adjoining property holders.

Kary Jablonka moved, and Jeff Lick seconded that the meeting be adjourned. The meeting ended at 7:24PM.

Robert Leary, Acting Chairman

Respectfully submitted,

Marilyn Cohen, clerk

**TOWN OF CHATHAM
OCTOBER 27, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary
Kary Jablonka
Adrian Ooms
Jeff Lick
JP Henkel
David Everett, Chairman

Members Absent:

Mitchell Khosrova

Public Present:

Nicholas Walters
Carl Schools

The October 27, 2011, Zoning Board of Appeals meeting was called to order by David Everett at 7:02PM. The Pledge of Allegiance was recited. Kary Jablonka moved and Jeff Lick seconded that the minutes from the previous meeting be adopted. This carried, with Mr. Everett abstaining since he was not present at the last meeting.

**NICHOLAS WALTERS-REQUEST FOR A USE VARIANCE SO THAT
THE FORMER FIRE HOUSE ON ROUTE 66 IN CHATHAM CENTER
CAN BE USED AS AN ARTIST SUDIO PUBLIC HEARING**

Mr. Walters reviewed his request. Mr. Everett asked specifically about changes to be made on the outside of the building. Mr. Walters responded that he'd like to extend the side/back fencing for privacy, and that he plans on upgrading the existing septic system. The siren on the building will be removed, but the sign on the building itself will remain. There was concern about the clothing bin. Mr. Schools, who is the realtor for this sale, will check on getting rid of it.

The Public Hearing was opened at 7:09PM. There were no comments, and it was closed at 7:09PM.

Mr. Everett cited some concerns which he would like to see as conditions of this approval:

1. The property is to be kept very clean with no outside storage
2. This is to be used exclusively as a studio---no retail sales
3. No other use will be permitted and there is no vehicle storage
4. The clothing bin is to be removed

The question was posed as to the amount of use of this studio to which Mr. Walters responded that he expects to use it a few times a week. The criteria for approving a Use Variance were reviewed:

1. The applicant cannot realize a reasonable return—a home cannot be built on this lot. It has been for sale for a lengthy time and hasn't sold.
2. The alleged hardship relating to this property is unique—this is a very small lot which does not lend it to many uses.

3. Use will not alter the essential character of the neighborhood-
the conditions discussed earlier will be imposed to assure this.
If anything, this will improve the character of the neighborhood.
4. The hardship has not been self-created.

The Board agrees that the criteria for the Use Variance are met.

The Short Form SEQRA application, which shows no significant adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, Kary Jablonka moved that there is no significant adverse environmental impact with this project, and should be accepted. JP Henkel seconded the motion and it carried.

JP Henkel moved that a Use Variance for a non-commercial private art studio, with the conditions listed above be granted to Mr. Walters. Bob Leary seconded the motion and it carried.

Because of the upcoming Thanksgiving holiday in November, the next ZBA meeting will be scheduled for Tuesday, November 22.

Kary Jablonka moved and JP Henkel seconded that the meeting be adjourned. The meeting ended at 7:20PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

**TOWN OF CHATHAM
DECEMBER 22, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Kary Jablonka
Adrian Ooms (7:08)
Jeff Lick
David Everett, Chairman
Mitchell Khosrova

Members Absent:

Robert Leary
JP Henkel

Public Present:

Scott Longstreet
Kiyenne Light

The December 22, 2011, Zoning Board of Appeals meeting was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited. Kary Jablonka moved and Jeff Lick seconded that the minutes from the previous meeting be accepted. This carried unanimously. Clerk Marilyn Cohen reminded the Board of the upcoming retirement luncheon to be held at the end of the month.

**ESTATE OF TOM MEYN-REQUEST FOR AN AREA VARIANCE
ON PROPERTY ON ALBANY TPK. TO ALLOW FOR A
SUBDIVISION OF PROPERTY INFORMATIONAL**

Atty. Scott Longstreet is representing the estate. He passed out a sketch plan indicating the proposed subdivision. Since the estate is unable to meet zoning requirements, an area variance is being sought. The business will be on 2 acres of property, so the house will require the variance. Atty. Longstreet said that the area has been marked with orange tape so members of the Board can look at it. Chairman Everett wondered if there would be room for a house on the portion of land that the shop is on. Atty. Longstreet said that is a possibility, but that is not what the intended use is. There was a question as to lot sizes in the area. Directly across the road begins the hamlet. Although zoned for 1.5 acres, the two closest homes are .5 acre and .333 acre. Atty. Longstreet also reported that before this property was merged, the portion with the house on it was 1 acre.

The Board discussed whether the intended use of this property falls into current zoning regulations. Mr. Simonsmeier will provide a letter

indicating that this is a retail shop, which is an accepted use in the Business district.

The Board will wish to see an updated survey. Because the surveyor will be on vacation, it is possible that the final line will not be placed on the survey until just prior to a Public Hearing before the Planning Board in February. The ZBA expressed interest in having the chance to see this copy. The Public Hearing for the area variance will be held at the January meeting.

Kary Jablonka moved and Dave Everett seconded that the meeting be adjourned. The meeting ended at 7:23PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk